

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

W.P.(C).No.35355 of 2007(H)

PETITIONERS:-

1. THOMAS KUNNAPPALLY,
KUNNAPPALLY HOUSE,
KUNNAPPALLY P.O.,
MEMBER, PALLICKATHODU DIVISION.
2. ADV.MOHAN THOMAS,
KANIYAMKUNNEL
POONJAR P.O.,
MEMBER, POONJAR DIVISION.
3. MRS.SUDHA KURIAN,
PANAMTHANAM,
VAKATHANAM P.O.
KOTTAYAM DISTRICT,
MEMBER, VAKATHANAM DIVISION.
4. MRS.NIRMALA JIMMY,
CHANDRAKUNNEL,
PRAVITHANAM P.O.,
MEMBER, MEENACHIL DIVISION.
5. MRS.JESSY MOL MANOJ,
PUNNAMKUZHIYIL,
PUTHUPALLY P.O.,
MEMBER, PUTHUPALLY DIVISION.
6. MRS.RADHA V.NAIR,
VRINDAVAN,
VELLOOR PO,
MEMBER, PAMPADY DIVISION.
7. MRS.MINI SAVIO, THENGUMMOOTIL,
THINADU P.O.,
MEMBER, ERATTUPETTA DIVISION.
8. MRS.MOLLY PETER,
KULANGOTTU OLICKAL,
KODAPULAM P.O.,
RAMAPURAM,
MEMBER, RAMAPURAM DIVISION.

9. MRS.AJITHA SABU,
KORATTYTHADATHIL
MUTTUCHIRA P.O.,
MEMBER, ETTUMANOOR DIVISION.
 10. MRS.MARY SEBASTIAN,
MUTHUKULATHIL,
MUTTUCHIRA P.O.,
MEMBER, KADUTHURUTHY DIVISION.
 11. ADV.JOBE MICHEAL,
NEDIYAPARAMBIL,
ITHITHANAM P.O.,
MEMBER, VAZHAPALLY DIVISION.
 12. ADV.ROY CHIRAYIL,
PERUMALIL CHIRAYIL,
MANNANAM P.O.,
MEMBER, ARPOOKARA DIVISION.
- BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

RESPONDENTS:-

1. DISTRICT SUPERINTENDENT OF POLICE,
KOTTAYAM.
 2. DEPUTY SUPERINTENDENT OF POLICE,
KOTTAYAM.
 3. THE RETURNING OFFICER/PRESIDING OFFICER
(DISTRICT COLLECTOR, KOTTAYAM)
 4. SECRETARY
(SRI.K.P.SUGUNAN,
PRESIDENT, KOTTAYAM DISTRICT PANCHAYATH)
C.I.T.U.,
C.I.T.U. DISTRICT COMMITTEE OFFICE,
KOTTAYAM.
- R1 TO R3 BY GOVERNMENT PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:-

W.P.(C).NO.35355 OF 2007.

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE PHOTOCOPY OF THE NO-CONFIDENCE MOTION DT.19.11.2007.

EXT.P2 - TRUE PHOTOCOPY OF THE NOTICE DT.21.11.2007.

EXT.P3 - TRUE PHOTO COPY OF THE COMPLAINT DT.27.11.2007.

EXT.P4 - TRUE PHOTOCOPY OF THE COMPLAINT DT.27.11.2007.

- TRUE COPY -

H.L.Dattu, C.J. & K.M.Joseph, J.

W.P.(C).No.35355 of 2007

Dated, this the 1st day of December, 2007

JUDGMENT

K.M.Joseph,J.

The petitioners have approached this Court seeking mandamus, commanding respondents 1 and 2 to provide adequate and sufficient police protection for the petitioners to reach the District Panchayat Office on 3.12.2007 in connection with the discussion and voting on Exhibit P1, no-confidence motion, which is moved against the District Panchayat President, scheduled to be held on 3.12.2007 at the conference hall of the District Panchayat Office, Kottayam. There are 12 petitioners.

(2) We heard the learned Government Pleader also.

(3) The learned counsel appearing for the petitioners would submit that unless sufficient police protection is accorded, they will not be in a position to participate in the no-confidence motion. It is their case that they understand that CPI(M) party and the CITU union members have made arrangements to disrupt the peaceful and orderly meeting of the District Panchayat Committee scheduled to be held on 3.12.2007 for considering the no-confidence motion. They would also submit that there is serious threat to the life of the petitioners. It is their further contention that they understand that the CITU leaders and the workers will prevent the petitioners from reaching the council hall on 3.12.2007 in order to attend the council meeting and vote in the no-confidence motion. They also point out that there were large scale violence that took place in different panchayats in Kottayam District in connection with the no-confidence motions moved against the Presidents of various Panchayats, who belong to Marxist Party. It is their case that the goondas sponsored by the ruling political party took the law in their hands and attacked

many U.D.F. leaders and elected representatives and the police is obliging the ruling party leaders.

(4) The learned counsel appearing for the petitioners would submit that the petitioners will assemble at the office of the Revenue Divisional Officer, Palai, between 8.30 A.M. and 9.00 A.M. on 3.12.2007 and that police protection may be ordered at the hands of respondents 1 and 2 for them to attend the no-confidence motion to be held on 3.12.2007. He would further submit that the petitioners will meet the entire expenses in connection with the provision of police protection sought for by them.

(5) Having regard to the facts and circumstances of this case, we feel that the petitioners should be given adequate and sufficient police protection for them to reach the District Panchayat Office to participate in the discussion and voting on Exhibit P1 no-confidence motion.

(6) Accordingly, the writ petition is disposed of as follows:

If the petitioners assemble at the office of the Revenue Divisional Officer, Palai between 8.30 A.M. and 9.00 A.M. on 3.12.2007, the respondents 1 and 2 will afford adequate and sufficient police protection for them to reach the office of the District Panchayat Office for participation in the discussion and voting on Exhibit P1 no-confidence motion against the Kottayam District Panchayat President to be held on 3.12.2007. We further order that the petitioners will be liable to bear the entire expense in connection with the provision of police protection as ordered.

Issue copy of judgment today itself.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.M.Joseph
Judge

vku/-